

Applic. No. 10/725,111
Amdt. dated April 17, 2006
Reply to Office action of January 17, 2006

Remarks/Arguments:

Reconsideration of the application is requested.

Claims 1-9 are now in the application. Claims 1 and 5 have been amended. Claim 9 has been added. Support for new claim 9 can be found in claim 5, Figs. 1 and 2, and on page 8, lines 22 to page 9, line 3 of the specification. No new matter has been added.

In the second paragraph on page 2 of the above-identified Office action, claims 1 and 5 have been rejected as being indefinite under 35 U.S.C. § 112.

More specifically, the Examiner has stated that the phrase "can be" renders claims 1 and 5 indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. Claims 1 and 5 have been amended so as to further clarify that the limitations which followed "can be" are part of the claimed invention. Therefore, it is believed that the rejection has been overcome.

It is accordingly believed that the claims meet the requirements of 35 U.S.C. § 112, second paragraph. Should the

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Examiner find any further objectionable items, counsel would appreciate a telephone call during which the matter may be resolved. The above-noted changes to the claims are provided solely for cosmetic or clarificatory reasons. The changes are not provided for overcoming the prior art nor for any reason related to the statutory requirements for a patent.

In the third paragraph on page 3 of the Office action, claims 1 and 8 have been rejected as being fully anticipated by White (U.S. Patent No. 1,474,660) under 35 U.S.C. § 102.

The rejection has been noted and the claims have been amended in an effort to even more clearly define the invention of the instant application. The claims are patentable for the reasons set forth below. Support for the changes is found on page 8, lines 22-26 of the specification.

Before discussing the prior art in detail, it is believed that a brief review of the invention as claimed, would be helpful.

Claim 1 calls for, *inter alia*:

the curvature defining an axis of rotation, the hanging element having a top end projecting beyond the axis of rotation, and an oblique portion provided at the top portion

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for allowing a rotary movement to place or remove the hanging element.

The White reference discloses a form support for concrete structures. White discloses stirrups (16), which rest on top of joists (14). The stirrups (16) include over-hanging portions (17) which have extremities that are rebent to form hooks (18). White discloses wire brackets. The wire brackets have a part of wire (23), which engages the hook (18) to support the bracket.

The reference does not show the curvature defining an axis of rotation, the hanging element having a top end projecting beyond the axis of rotation, and an oblique portion provided at the top portion for allowing a rotary movement to place or remove the hanging element, as recited in claim 1 of the instant application. The White reference discloses the part of wire engages a hook to support a bracket. White does not disclose that the part of wire projects beyond an axis of rotation and that the part of wire has an oblique top surface. This is contrary to the invention of the instant application as claimed, in which the curvature defines an axis of rotation, the hanging element has a top end projecting beyond the axis of rotation, and an oblique portion is provided at

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the top portion for allowing a rotary movement to place or
remove the hanging element.

Since claim 1 is believed to be allowable, dependent claim 8
is believed to be allowable as well.

The following remarks pertain to claim 9 with respect to the
White reference.

Claim 9 calls for, *inter alia*:

the hanging element having a top end portion and an oblique
abutment surface at the top end portion, the oblique abutment
surface positioning the hanging element before the hanging
element is plugged onto the suspension rail.

The reference does not show the hanging element having a top
end portion and an oblique abutment surface at the top end
portion, the oblique abutment surface positioning the hanging
element before the hanging element is plugged onto the
suspension rail, as recited in claim 9 of the instant
application. The White reference discloses a part of wire
engages a hook to support a bracket. White does not disclose
that the part of wire and that the part of wire has an oblique
abutment surface at a top surface. This is contrary to the

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invention of the instant application as claimed, in which the hanging element has a top end portion and an oblique abutment surface at the top end portion, the oblique abutment surface positions the hanging element before the hanging element is plugged onto the suspension rail.

In the second paragraph on page 4 of the Office action, claims 4 and 7 have been rejected as being obvious over White (U.S. Patent No. 1,474,660) under 35 U.S.C. § 103. Since claim 1 is believed to be allowable, dependent claims 4 and 7 are believed to be allowable as well.

In the first full paragraph on page 5 of the Office action, claims 1-6 have been rejected as being obvious over Doerr (U.S. Patent No. 3,321,167) under 35 U.S.C. § 103.

The Doerr reference discloses mounting of shelf boards, receptacles, cabinets, and the like. Doerr discloses vertically extending notchboards (D). The notchboards (D) have cutouts (C). Doerr discloses that an up-curving (A) is disposed in the cutouts (C). Doerr discloses recess at (G) for ease of installation into the cutout (C) because the pressure of the shelf is at positions (E) and (F). The recess at (G) reduces the length of the cutout to make introduction and removal of the shelves easier.

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It is a requirement for a *prima facie* case of obviousness, that the prior art references must teach or suggest all the claim limitations.

The reference does not show or suggest the curvature defining an axis of rotation, the hanging element having a top end projecting beyond the axis of rotation, and an oblique portion provided at the top portion for allowing a rotary movement to place or remove the hanging element, as recited in claim 1 of the instant application. The Doerr reference discloses a recess at G which reduces the length of the cutout for easier installation. Doerr does not disclose that the notchboard projects past an axis of rotation and that the notchboard has an oblique top surface for allowing a rotary movement of the notchboard. This is contrary to the invention of the instant application as claimed, in which the curvature defines an axis of rotation, the hanging element has a top end projecting beyond the axis of rotation, and an oblique portion is provided at the top portion for allowing a rotary movement to place or remove the hanging element.

The reference applied by the Examiner does not teach or suggest all the claim limitations. Therefore, it is believed that there is no *prima facie* case of obviousness.

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Since claim 1 is believed to be allowable over Doerr,
dependent claims 2-6 are believed to be allowable over Doerr
as well.

The following remarks pertain to dependent claim 5 and to new
claim 9 with respect to the Doerr reference.

Applicants respectfully disagree with the Examiner's comments
on page 7 of the Office action pertaining to claim 5, that
"Doerr discloses the hanging element (D) to have an oblique
abutment surface (G) for the purpose of facilitating
engagement of the elements." More specifically, Doerr
explicitly discloses that the surface at (G) is provided to
reduce the length of the cutout (C) and it is not an abutment
surface. Furthermore, in Doerr, the oblique surface is not an
abutment surface on the hanging element, which positions the
hanging element before the hanging element is plugged onto the
suspension rail. This is because Doerr discloses that recess
is on the fixed notchboard (D). Accordingly, in Doerr, the
recess at (G) is not a part of the element to be positioned,
instead it is on the fixed component (the notchboard).
Therefore, it is respectfully believed that the Examiner's
comments that Doerr discloses an abutment surface on the
hanging element, are not accurate.

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It is a requirement for a *prima facie* case of obviousness, that the prior art references must teach or suggest all the claim limitations.

The reference does not show or suggest the hanging element having a top end portion and an oblique abutment surface at the top end portion, the oblique abutment surface positioning the hanging element before the hanging element is plugged onto the suspension rail, as recited in claims 5 and 9 of the instant application. The Doerr reference discloses a recess at G for reducing the length of the cutout. Doerr does not disclose an oblique abutment surface at the top surface positioning a hanging element before the hanging element is plugged onto a suspension rail. This is contrary to the invention of the instant application as claimed, in which the hanging element has a top end portion and an oblique abutment surface at the top end portion, the oblique abutment surface positions the hanging element before the hanging element is plugged onto the suspension rail.

The reference applied by the Examiner does not teach or suggest all the claim limitations. Therefore, it is believed that there is no *prima facie* case of obviousness.

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It is accordingly believed to be clear that none of the references, whether taken alone or in any combination, either show or suggest the features of claims 1 or 9. Claims 1 and 9 are, therefore, believed to be patentable over the art and since all of the dependent claims are ultimately dependent on claims 1 or 9, they are believed to be patentable as well.

In view of the foregoing, reconsideration and allowance of claims 1-9 are solicited.

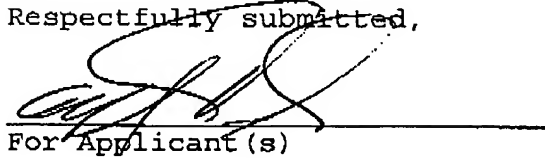
In the event the Examiner should still find any of the claims to be unpatentable, counsel respectfully requests a telephone call so that, if possible, patentable language can be worked out.

If an extension of time for this paper is required, petition for extension is herewith made.

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Please charge any other fees which might be due with respect
to Sections 1.16 and 1.17 to the Deposit Account of Lerner
Greenberg & Stemer LLP, No. 12-1099.

Respectfully submitted,


For Applicant(s)

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